

AMENDED IN SENATE JULY 19, 2001

AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

---

---

**ASSEMBLY BILL**

**No. 1249**

---

---

**Introduced by Assembly Member Daucher**  
(Principal coauthor: Senator Ackerman)

February 23, 2001

---

---

An act to amend Section 1202 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Daucher. Railroad crossings: pilot projects.

Existing law requires that an audible warning device be sounded from a locomotive engine at least 1,320 feet before the intersection of the railroad and a street, road, or highway, with certain exceptions. Existing law imposes a civil fine on a railroad corporation that violates this provision and makes it a misdemeanor for a person in charge of a locomotive engine to fail to sound the warning. Existing law authorizes the commission to authorize on an application by application basis, and supervise, the operation of pilot projects to evaluate proposed crossing warning devices or new technology, and states the intent of the Legislature that the commission may authorize pilot projects to test the utility and safety of stationary, automated audible warning devices in the communities of Roseville and Lathrop.

This bill would also authorize the commission to authorize pilot projects to evaluate other additional safety measures. The bill would

modify the statement of legislative intent to include pilot projects to test the utility and safety of stationary, automated audible warning devices in additional specified communities and in any other location determined to be suitable by the commission, and to authorize, *until January 1, 2004*, supplementary safety measures, as defined, for use on rail crossings ~~in the City of Placentia~~.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1202 of the Public Utilities Code is  
2 amended to read:

3 1202. The commission has the exclusive power:

4 (a) To determine and prescribe the manner, including the  
5 particular point of crossing, and the terms of installation,  
6 operation, maintenance, use, and protection of each crossing of  
7 one railroad by another railroad or street railroad, and of a street  
8 railroad by a railroad, and of each crossing of a public or publicly  
9 used road or highway by a railroad or street railroad, and of a street  
10 by a railroad or of a railroad by a street.

11 (b) To alter, relocate, or abolish by physical closing any  
12 crossing set forth in subdivision (a).

13 (c) To require, where in its judgment it would be practicable,  
14 a separation of grades at any crossing established and to prescribe  
15 the terms upon which the separation shall be made and the  
16 proportions in which the expense of the construction, alteration,  
17 relocation, or abolition of crossings or the separation of grades  
18 shall be divided between the railroad or street railroad  
19 corporations affected or between these corporations and the state,  
20 county, city, or other political subdivision affected.

21 (d) (1) To authorize on an application-by-application basis  
22 and supervise the operation of pilot projects to evaluate proposed  
23 crossing warning devices, new technology, or other additional  
24 safety measures at designated crossings, with the consent of the  
25 local jurisdiction, the affected railroad, and other interested  
26 parties, including, but not limited to, represented railroad  
27 employees.

28 (2) The Legislature finds and declares that for the communities  
29 of the state that are traversed by railroads, there is a growing need

1 to mitigate train horn noise without compromising the safety of the  
2 public. Therefore, it is the intent of the Legislature that the  
3 commission may authorize both of the following pilot projects,  
4 after an application is filed and approved by the commission:

5 (A) To test the utility and safety of stationary, automated  
6 audible warning devices as an alternative to trains having to sound  
7 their horns as they approach highway-rail crossings in the  
8 communities of Roseville, Fremont, Newark, and Lathrop, and in  
9 any other location determined to be suitable by the commission.

10 (B) To authorize supplementary safety measures, as defined in  
11 Section 20153(a)(3) of Title 49 of the United States Code, for use  
12 on rail crossings ~~in the City of Placentia~~. *This pilot project may*  
13 *only be authorized by the commission until January 1, 2004. The*  
14 *commission shall report to the Legislature by March 31, 2004, on*  
15 *the outcome of this pilot project.*

16 (3) In light of the pending proposed ruling by the Federal  
17 Railroad Administration on the use of locomotive horns at all  
18 highway-rail crossings across the nation, it would be in the best  
19 interest of the state for the commission to expedite the pilot  
20 projects authorized under paragraph (2) in order to contribute data  
21 to the federal rulemaking process regarding the possible inclusion  
22 of stationary, automated warning devices as a safety measure  
23 option to the proposed federal rule.

